

# **CITY OF BURIEN, WASHINGTON**

## **RESOLUTION NO. 301**

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### **A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE PROCEEDS DISTRIBUTION AND HOLD HARMLESS AGREEMENT BETWEEN BURIEN AND THE CITY OF BELLEVUE PROVIDING FOR DISTRIBUTION TO BURIEN OF ITS SHARE OF THE PROCEEDS FROM THE SALE OF REAL PROPERTY LOCATED IN BELLEVUE PURSUANT TO THE JAIL SERVICES AGREEMENT BETWEEN KING COUNTY AND CITIES, INCLUDING BURIEN, LOCATED IN KING COUNTY**

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WHEREAS, King County entered into a Jail Services Agreement (JSA) with many of the cities located in King County (Contract Cities), including Burien to house and provide jail services for Contract Cities' misdemeanants;

WHEREAS, the JSA provides for the transfer of real property located in Bellevue with tax parcel numbers 2825059291, 2825059292, and 2825059015 (Jail Property) to the City of Bellevue on behalf of the JAG Cities to facilitate the Contract Cities reducing their jail population housed by King County as provided in Section 11 of said JSA;

WHEREAS, Section 12 of the JSA provides that the Jail Property (or the proceeds) will be used to contribute to the cost of building secure capacity, or contracting for secure capacity, and at the sole discretion of the Contract Cities, building or contracting for alternative corrections facilities, sufficient to enable the Contract Cities to meet the final step of the population reduction schedule in the JSA;

WHEREAS, Section 12 of the JSA further provides that in the event the Contract Cities do not meet the objectives set forth in said section, King County would be entitled to return of Proceeds;

WHEREAS, on October 31, 2002, the City of Bellevue and King County entered into a Land Transfer Agreement [City of Bellevue Clerk's Receiving # 33014] conveying the Jail Property to the City of Bellevue on behalf of all cities in King County (JAG Cities) for the purposes described in Section 12 of the JSA;

WHEREAS, JAG Cities, except Kent and Enumclaw, entered into an Interlocal Agreement for Jail Administration (Interlocal Agreement) in part to create rules for administering the obligations related to Sections 11 and 12 of the JSA;

WHEREAS, the obligations of Section 12 of the JSA are incorporated into Section 7.1 of the Interlocal Agreement including its application to all King County Cities;

WHEREAS, on March 16, 2009, the City of Bellevue (Bellevue) sold the Jail Property to Seattle Children's Hospital for \$13 million;

WHEREAS, on March 26, 2008, the Assembly created by the Interlocal Agreement approved the distribution of Jail Proceeds;

WHEREAS, Burien has designated its portion of the Proceeds towards fulfilling its obligations under the JSA through undertakings such as the SCORE facility;

WHEREAS, it is the intent of this Agreement that Bellevue stand in no worse (or better) position than any other JAG City with respect to liability or costs associated with the distribution of and/or possible return of Proceeds to King County because of its unique obligations to King County in Section 12 of the JSA as incorporated into the Interlocal Agreement (unique Section 12 obligations);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City of Burien hereby approves the Proceeds Distribution and Hold Harmless Agreement (Exhibit A) and authorizes the City Manager or his designee to enter into this Interlocal Agreement.

Section 2. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 17<sup>TH</sup> DAY OF AUGUST, 2009.

CITY OF BURIEN

/s/ Joan McGilton ,Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher Bacha, Interim City Attorney

Kenyon Disend, PLLC

Filed with the City Clerk: July 30, 2009  
Passed by the City Council: August 17, 2009  
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